

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BID PROTEST

FMS INVESTMENT CORP, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	No. 19-308C, 19-441, <i>et al.</i>
)	Judge Wheeler
THE UNITED STATES)	
)	
Defendant.)	
)	

**PLAINTIFF ACCOUNT CONTROL TECHNOLOGY INC.'S
NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Pursuant to Rule 41(a)(1) of the Rules of the United States Court of Federal Claims (“RCFC”) Plaintiff, Account Control Technology, Inc. (“ACT”) respectfully submits this Notice of Voluntary Dismissal of Case No. 19-441C, which has been consolidated with Case No. 19-308C, *et al.* ACT does not intend to pursue continued litigation in this matter and therefore timely provides this notice of voluntary dismissal of its action before Motions for Judgment on the Administrative Record are due.

On March 25, 2019, ACT filed its Complaint in Case No. 19-441C challenging the United States Department of Education’s actions related to four solicitations: Request for Proposals (“RFP”) No. ED-FSA-16-R-0009 (the “PCA Solicitation”) and the Next Generation Processing and Servicing Environment (“NextGen”) program, which includes RFP Nos. 91003119R0005, 91003119R0007, and 91003119R0008. Case No. 19-441C, Dkt. No. 1. That matter was subsequently consolidated with the above-captioned protests. Motions for Judgment on the Administrative Record currently are due on June 3, 2019. Dkt. No. 97.

Neither party has filed its Motion for Judgment on the Administrative Record. Therefore, ACT hereby voluntarily dismisses without prejudice its March 25, 2019 action, Case No. 19-441C. *See* RCFC 41(a)(1)(A)-(B).

Respectfully submitted,

Dated: May 20, 2019

SHEPPARD MULLIN RICHTER & HAMPTON LLP

/s/ Townsend L. Bourne

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Counsel for Plaintiff Account Control Technology, Inc.

CERTIFICATE OF SERVICE

I certify that I caused a copy of the foregoing Plaintiff's Notice of Voluntary Dismissal to be served by the Court's CM/ECF system this 20th day of May, 2019.

/s/ Townsend L. Bourne
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